

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

STATE OF WASHINGTON, )

Plaintiff, )

vs. )

No. 96-2-15056-SEA

AMERICAN TOBACCO CO., INC., )

et al, )

Defendants. )

COPY

DEPOSITION UPON ORAL EXAMINATION OF

CATHERINE YOE SADOWSKI

March 18, 1997

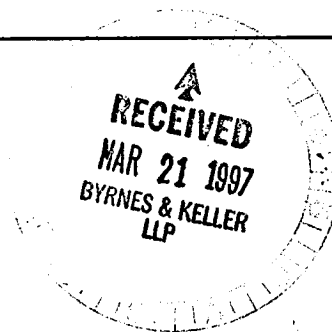
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1325 Fourth Avenue, Suite 1800

Seattle, Washington

MARK HOVILA, Court Reporter

CCR No. HO-VI-LM-\*493PD



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1 CATHERINE YOE SADOWSKI,  
2 having been first duly sworn, was examined and testified  
3 as follows:  
4

5 EXAMINATION

6 BY MR. FERGUSON:

7 Q. State your name and spell your last name, please.

8 A. Catherine Yoe Sadowski, S A D O W S K I.

9 Q. And I guess Catherine is with a C?

10 A. C A T H E R I N E.

11 Q. And Yoe is Y O E?

12 A. Y O E. That's my maiden name, which I generally  
13 use at the office. Sadowski is my married name.

14 Q. What's your business address?

15 A. 81 Governor Berkeley, B E R K E L E Y, Road,  
16 Williamsburg, Virginia 23185.

17 Q. Let me make a couple preliminary remarks and then  
18 we'll begin. I'm Jon Ferguson, I'm an assistant attorney  
19 general for the State of Washington, and one of the  
20 attorneys for plaintiff. With me is Mr. Solimano, who also  
21 represents the State of Washington. We're going to ask you  
22 some questions today about records and record retrieval and  
23 destruction policies at the Tobacco Institute.

24 As I'm sure you've been told, if you haven't  
25 been through this before, if I ask a question which is

1 unclear please do not answer the question, ask me to clarify  
2 it for you. If counsel object, following their objection  
3 please state your answer to the question unless you're  
4 instructed to not answer the question. Understand that?

5 A. Yes.

6 Q. What is your title, Ms. Sadowski?

7 A. Well, I'm a consultant now to the Tobacco  
8 Institute.

9 Q. How long have you been a consultant to them?

10 A. Since September 1, 1996.

11 Q. Do you have any clients with which you consult  
12 besides the Tobacco Institute?

13 A. No.

14 Q. Were you employed by the Tobacco Institute prior  
15 to becoming a consultant?

16 A. I was.

17 Q. How long were you employed by the Institute?

18 A. From February 1, 1984, through August 31st, 1996.

19 Q. Why did you leave?

20 A. Well, my husband and I had moved to Williamsburg,  
21 Virginia, which is much too far to commute.

22 Q. How far?

23 A. It's 152 miles to the office from our house.

24 Q. Does your consulting occupy a full-time work week?

25 A. No. It varies, but, anywhere from two or three

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1 hours a week to several days a week, if you have to go up to  
2 Washington for a few days.

3 Q. For what purposes do you consult with -- Is it all  
4 right if I call it TI?

5 MR. MURRAY: Sure.

6 Q. -- with TI?

7 A. Primarily to be a liaison between TI staff and  
8 Covington & Burling, our national counsel, on the issues of  
9 document retrieval, storage for the litigation we're  
10 involved in. I have several other projects that I work on,  
11 one relates to Ford's Theater, that our president is on the  
12 board with, and I've worked on some projects with them. I  
13 do miscellaneous work.

14 Q. Have you ever given a deposition before?

15 A. No.

16 Q. Have you ever testified in a court proceeding?

17 A. No.

18 Q. At the time you left TI to become a consultant,  
19 what was your title at TI?

20 A. My last title was director, legislative  
21 information.

22 Q. How long had you held that position?

23 A. Roughly since 1988.

24 Q. What were the duties of that position?

25 A. My primarily one was to be responsible for

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1 imparting information on state and local, later also  
2 federal, legislation and regulatory activity on tobacco  
3 issues, to produce and oversee our reports on that  
4 legislation, to compile and keep historical records on the  
5 laws relating to tobacco. I had a variety of our  
6 miscellaneous chores. Budget oversight for the divisions I  
7 worked in, general editing.

8 Q. Was your title director for legislative  
9 information from 1988 through the end of your employment, or  
10 did your title change?

11 A. The only change was that I moved from state  
12 activities division to public affairs division in 1993.

13 Q. Prior to assuming those responsibilities in 1988,  
14 what was your job at TI?

15 A. I think my title was manager, legislative affairs,  
16 and it was primarily just the tracking and reporting of  
17 state and local legislation.

18 Q. Have you reviewed the requests made by the State  
19 of Minnesota for documents from TI?

20 A. I have.

21 Q. Have you also reviewed the Washington requests  
22 directed to TI?

23 MR. MURRAY: Are you talking about the  
24 subpoena, Jon?

25 MR. FERGUSON: No, the request for production

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1 that was served on TI. It's very similar to Minnesota's.

2 A. I don't believe I have seen the paper on it.

3 Q. Have you reviewed document requests for any state  
4 other than Minnesota that you recall?

5 A. Yes, I have.

6 Q. Which states?

7 A. Definitely for Florida. I believe I have seen or  
8 had read to me Connecticut, Kansas. Those are the only ones  
9 I actually can recollect seeing.

10 MR. MURRAY: Counsel, for the record, was the  
11 last question devoted to her preparation for this deposition  
12 or in general?

13 MR. FERGUSON: No, just in general.

14 MR. MURRAY: Thank you.

15 Q. Did you oversee generally the document production  
16 in response to the Minnesota requests?

17 A. I wouldn't use the word oversee. I coordinated  
18 between TI and the staff at Covington & Burling.

19 Q. Did you have any similar role with regard to the  
20 Florida documents?

21 A. Yes.

22 Q. Same role?

23 A. In Florida our working relationships were a little  
24 bit different. I was called upon to do more work myself in  
25 looking at a few files to isolate materials. The requests

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1 were different, it came in smaller pieces.

2 Q. Did you have any similar role with regard to  
3 either the Connecticut or Kansas requests?

4 A. Let me also put in, before I forget, Mississippi.  
5 I have read the Mississippi requests.

6 Q. Let's add Mississippi to my question, then. Did  
7 you have a similar role with regard to Mississippi,  
8 Connecticut or the Kansas requests?

9 A. Connecticut and Kansas are still quite  
10 preliminary. We have just barely started to actually  
11 retrieve files. But I have worked with counsel on the  
12 responses to identify where there would be files. On  
13 Mississippi, it's similar to Minnesota's production. But I  
14 took a more active role in isolating groups of file storage  
15 boxes for review.

16 Q. I used to write a lot faster, I'm sorry.

17 A. That's all right.

18 Q. In preparation for your deposition today you've  
19 met with your counsel?

20 A. Correct.

21 Q. And that is who?

22 A. For Covington & Burling is Pat Davies. And then  
23 for local counsel, Jim Murray.

24 Q. Is it Mr. or Ms. Davies?

25 A. He's a Mr.

1 Q. Is he in Seattle?

2 A. He is.

3 Q. When did you arrive in Seattle?

4 A. I came Friday.

5 Q. Just in time for the tropical weather?

6 A. It was sunny on Friday.

7 Q. It was? I forgot. Did Mr. Davies arrive about  
8 the same time you did?

9 A. No, he came yesterday, I believe. Monday.

10 Q. When did you first meet with counsel in  
11 preparation for this deposition?

12 A. First met on March 11. Last Tuesday.

13 Q. In Washington?

14 A. In Washington, D.C.

15 Q. And that was with Mr. Davies?

16 A. And Mr. Murray. Davies, yes, and Mr. Murray.

17 Q. Were any other attorneys present?

18 A. No other attorneys.

19 Q. Anyone from Tobacco Institute present?

20 A. Just myself.

21 Q. Who else was there?

22 A. A paralegal, senior paralegal for Covington &  
23 Burling.

24 Q. Do you recall the name of that person?

25 A. Linda Piso, P I S O.

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1 Q. How long was that meeting?

2 A. Not very. Maybe two hours altogether, with  
3 several interruptions.

4 Q. What documents did you review during that meeting?

5 A. We looked at the TI responses to the Minnesota  
6 production, which also included the request itself.

7 Q. You're talking about the written responses to  
8 the --

9 A. Yes.

10 Q. What else?

11 A. We looked at some -- at the file storage list, the  
12 Tobacco Institute file storage list, and we went through the  
13 Washington subpoena. At that time, there were several other  
14 pieces of paper on the table, but I don't think we discussed  
15 them at that meeting.

16 Q. All right.

17 A. They probably all related to Minnesota.

18 Q. Before I forget it, did you have any role in  
19 preparing documents which were provided to the State of  
20 Texas?

21 A. Yes. Yes.

22 Q. What was your role with regard to the Texas  
23 documents?

24 A. I believe I merely talked with Pat Davies over the  
25 phone about where we would have responsive documents, where

1 they don't apply. And I must add that I saw probably some  
2 paperwork on Texas.

3 Q. I'm sorry, I don't understand part of your answer,  
4 where you said where they don't apply.

5 A. Well, some requests simply do not apply to Tobacco  
6 Institute's documents.

7 Q. I see. Thank you. During your meeting in  
8 Washington with Mr. Davies and Mr. Murray, did anyone attend  
9 by telephone?

10 A. No.

11 Q. When did you subsequently meet with counsel?

12 A. Just yesterday. Monday.

13 Q. For how long?

14 A. About two hours, but with several interruptions.  
15 So the actual length of meeting was less than two hours.

16 Q. Was that with Mr. Murray and Mr. Davies?

17 A. Correct.

18 Q. Did anyone else attend?

19 A. No.

20 Q. Have you met with any of the other counsel who are  
21 in the room today?

22 A. No.

23 Q. Have you discussed the subject of this deposition  
24 with anyone at TI?

25 A. I've had to tell my former boss, who is my --

1 directs my activities for TI, why I was going to Seattle and  
2 what the subject was. But not in any detail, no.

3 Q. What's the name of your former boss?

4 A. Walter Woodson, W O O D S O N.

5 Q. What is his position?

6 A. He's vice president of public affairs division.

7 Q. Did you review any documents in your meeting with  
8 counsel yesterday?

9 A. We looked through TI's responses to the Minnesota  
10 lobbying, specific -- second request related to lobbying,  
11 and to the request from Minnesota to the plaintiff's  
12 request.

13 Q. To which that responded?

14 A. Correct. And we also had the TI response to the  
15 first Minnesota request in front of us. We had the subpoena  
16 for today's meeting. And I believe that's all the paper we  
17 had.

18 Q. What's your date of birth?

19 A. October 2, 1954.

20 Q. Where were you born?

21 A. Lawrence, Kansas.

22 Q. What's your educational background?

23 A. I have a bachelor's in -- bachelor of science in  
24 education from the University of Kansas and a master of arts  
25 in theater from the University of Kansas. I spent one year

1 at Exeter University in England on an exchange scholarship  
2 after I got my master's.

3 Q. Prior to your employment by TI, by whom were you  
4 employed?

5 A. The Highway Users Federation, an association who  
6 is members are associations interested in having good  
7 highways and safe driving.

8 Q. These would be like associations of trucking  
9 companies or something?

10 A. Trucking Association was a member, Motor Vehicle  
11 Manufacturers, the American Petroleum Institute, the Triple  
12 A. A variety of members. It was not a trade association  
13 per se, but rather an umbrella coalition group.

14 Q. Was your work with the Highway Users Federation of  
15 a public affairs nature?

16 A. I was in the public affairs division when I left  
17 the Highway Users Federation. My responsibilities were  
18 tracking and reporting on federal and state legislation  
19 related to highways. I also worked with our individual  
20 membership program, which was a grass roots membership  
21 mailing list group.

22 Q. Prior to your employment with the Highway Users  
23 Federation, had you had any employment in the public  
24 relations or public affairs area?

25 A. No.

1 Q. What were the inclusive years when you were at  
2 Highway Users Federation?

3 A. November 1979 through January 1984.

4 Q. Now, at the time you left TI, Walter Woodson was  
5 your supervisor?

6 A. Correct.

7 Q. Where does Mr. Woodson fit in the reporting  
8 structure at Tobacco Institute? To whom does he report?

9 A. He reports to the president.

10 Q. And that is who?

11 A. Samuel D. Chilcote, C H I L C O T E.

12 Q. How big a staff worked for you at TI?

13 A. Reporting personally to me?

14 Q. Yes.

15 A. When I left, two managers and I shared a  
16 secretary.

17 Q. Approximately how many people work at TI?

18 A. I believe at this time it's between 45 and 50.

19 Q. Were you the TI records custodian?

20 A. It was never put on my job description, but sort  
21 of by default I ended up being the person who put a lot of  
22 files in boxes and retrieved boxes.

23 Q. Was there anyone else at TI who had responsibility  
24 for custody of documents?

25 A. A young man in our work room actually keeps the

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1 file storage lists, contacts the off-site storage warehouse  
2 to bring boxes in or send boxes back.

3 Q. Do you know the name of the man who does that?

4 A. Sure. Willie, W I L L I E, Mickens,  
5 M I C K E N S. The actual process of putting files away  
6 when they're several years old is done by secretaries  
7 throughout the institute.

8 Q. When the secretaries prepare files for storage, do  
9 they go to Mr. Mickens for transfer to the storage facility?

10 A. Correct. They'll put the files in the boxes,  
11 label the end of the box, and give the boxes to him, he'll  
12 record the labeling on a main list, and send them off to  
13 storage.

14 Q. How many storage facilities for documents does  
15 TI have?

16 A. We have only one that is off site, a warehouse in  
17 Maryland. We do keep some documents that are old in the  
18 basement of the office building where we are located. We  
19 have storage space.

20 Q. Are any closed files maintained in the offices of  
21 TI?

22 A. We keep some that I would consider closed, more  
23 than two or three years old, in closets and that's simply a  
24 choice of that particular secretary.

25 Q. Are any TI active files stored anywhere other than

1 the TI office?

2 A. No.

3 Q. Do you know whether the file storage list was  
4 produced to any of the states that have brought an action  
5 against TI?

6 A. It was produced in Minnesota. Therefore I assume  
7 anyone who is receiving the Minnesota documents has it also.

8 Q. Have you ever visited the remote storage facility  
9 for TI's documents?

10 A. No.

11 Q. Do you know how large it is?

12 A. No.

13 Q. Do you know by any measure the volume of documents  
14 stored there?

15 A. I only know what TI stores there. I don't know  
16 who else might use it.

17 Q. What does TI store there?

18 A. At this time we have approximately 5600 file  
19 boxes, most which of are the standard banker's box, 19  
20 inches long. There are some that are double sized boxes,  
21 but most of them are the smaller size.

22 Q. What's the volume of records stored in the  
23 basement by TI?

24 A. At this time I'm not sure, because Willie went  
25 through and they did considerable cleanup down there to

1 determine what should or shouldn't be there, that should go  
2 off to the Maryland off-site. But I would guess there are  
3 upwards of 75 boxes.

4 Q. Were there more before the cleanup?

5 A. Yes.

6 Q. How much was there before the cleanup?

7 A. There were a large number of boxes of  
8 publications, multiple copies of old, unused publications,  
9 which I believe they decided to trash, all by a handful for  
10 the files. And I believe he identified maybe a dozen that  
11 we could send off site.

12 Q. What's the volume of closed files kept in the  
13 closets at TI?

14 A. 25 to 30 boxes. I'm thinking here strictly of the  
15 president's files that are maintained on site in the  
16 closets, or in the basement. Every division has some files  
17 which are probably two or three years old or more which  
18 could go to off-site, but which for some reason they've kept  
19 on site.

20 Q. Are the closed files which have not yet gone off  
21 site reflected on the file storage lists?

22 A. No.

23 Q. Is there any listing or index of the closed files  
24 that have not yet gone to the remote site?

25 A. I have not made one or seen one. I don't know if

1 anyone else has one.

2 Q. Can you estimate for me the volume of active files  
3 at TI?

4 MR. MURRAY: I'm sorry --

5 Q. Of active files at TI?

6 A. That would be very difficult.

7 Q. If you can do it in terms of approximate number of  
8 file cabinets, that would be helpful.

9 MR. MURRAY: I don't want you to guess. If  
10 you have reasoned speculation.

11 A. Well, we have four divisions, and each division  
12 has a lot of file drawers. I would say an average of -- an  
13 average of 30 drawers. That would be three feet long.

14 Q. Standard file drawers?

15 A. Correct. More or less full.

16 Q. That's for each division?

17 A. For each of those divisions.

18 Q. What are the four divisions?

19 A. Administrative, federal relations, state  
20 activities, and public affairs.

21 Q. Who is in charge of the administrative division?

22 A. Mr. Chilcote is the head, but the senior vice  
23 president for administrative is Bill Adams, A D A M S.

24 Q. Is there a vice president in charge of federal  
25 relations?

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1 A. Yes. Scott Wilson.

2 Q. Also one in charge of state activities?

3 A. Pat, which is a Mr. Pat, Donoho, D O N O H O.

4 Q. And you've already told us the name of the person  
5 who's the head of public affairs.

6 A. Right. And let me amend this. We now have a  
7 separate media relations division. At some times in recent  
8 years media has been part of public affairs, sometimes it  
9 has been separate. It is now separate again. So a fifth  
10 division.

11 Q. Who is responsible for that division?

12 A. That position is vacant at this time.

13 Q. Were you succeeded in your position at TI?

14 A. I was.

15 Q. By whom?

16 A. Margaret Rita, that is her maiden name, and her  
17 married name is Gore, G O R E.

18 Q. Any relation?

19 A. No.

20 Q. How long has she been with TI, approximately?

21 A. At least eight years.

22 Q. While you were at TI was she in your division?

23 A. Yes. She was always in my division. She reported  
24 to me only at the beginning of her tenure.

25 Q. Are any indexes maintained of the active files of

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1 TI?

2 A. Not that I have seen. Individual secretaries for  
3 administrative assistants at that division may keep records  
4 themselves, but I have not seen any.

5 Q. Nothing organized, in any event, that you're aware  
6 of?

7 A. Correct.

8 Q. What media in addition to paper does TI use to  
9 retain records?

10 A. We have several computer databases that are used  
11 for specific purposes. We have a, it's called the state and  
12 local legislative system, but it is used also to track  
13 federal legislation now. We have the TI mailing list  
14 database. We had a small customized database for state  
15 campaign contributions information. There once was database  
16 which still exists, the fire safety grant program.  
17 Accounting division has a separate system on the computer.  
18 Then we have, we operate on a local area network, so we  
19 share word processing. And we have electronic mail.

20 Q. Is anyone who's not physically present in the TI  
21 offices part of the LAN, the local area network?

22 A. We have regional offices which can dial in to our  
23 LAN. I personally also from Williamsburg can dial in to the  
24 LAN. Our member codes have access to dial in to the LAN.

25 Q. Does Covington have access to the LAN?

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1       A.     At one time access was created so that they could  
2     dial in specifically to the legislative system. I don't  
3     know if that ever became operational. We do have electronic  
4     mail communications with a large number of people, including  
5     Covington.

6       Q.     And the member companies?

7       A.     And the member companies.

8       Q.     And the regional offices?

9       A.     Myself. Yes. Anyone who is outside of TI, and I  
10    personally in this way am still in TI, but if you are  
11    outside TI or in the regional offices, the E-mail goes  
12    through MCI mail, the gateway system.

13    Q.     Are law firms in addition to Covington & Burling  
14    part of the E-mail system?

15    A.     Not that I have seen. If they've been put on, I'm  
16    unaware of it.

17    Q.     Does TI have any attorneys on staff?

18    A.     No. We have some staff members who have law  
19    degrees, but they do not act as attorneys or counsel on  
20    staff.

21    Q.     Thanks for the clarification. Does TI maintain  
22    any records in microfilm or microfiche format?

23    A.     The library formerly received microfilm or  
24    microfiche copies of journals and retained those, but we  
25    don't do that any longer. I don't believe any of the active

1 divisions use microfilm or microfiche. I know we don't have  
2 a microfilm reader at TI at this time.

3 Q. Does TI maintain any of its documents in a CD-ROM  
4 format?

5 A. We sometimes acquire CD-ROMS to access  
6 information compiled by outside vendors. And our data  
7 processing department certainly has CD-ROM capability. But  
8 I don't believe it's used for any TI documentation.

9 Q. You said that TI had a small database on state  
10 campaign contributions. Does the use of the word "had" mean  
11 it doesn't have it any longer?

12 A. Apparently, through one of those things that  
13 sometimes happens on computer, it disappeared.

14 Q. I did that last night. I can't find it. I don't  
15 know where it went. When did that happen?

16 A. They are not sure, but sometime late December or  
17 early January. The loss was not discovered until someone  
18 needed to enter some information, and by that time through  
19 the backing up schedule, the data was lost. I believe the  
20 system itself was lost.

21 Q. Have any other computer systems been lost at TI,  
22 to your knowledge?

23 A. Not that I know of, no.

24 Q. Does that database exist in a hard copy backup  
25 form?



1 A. Right. We have all that information.

2 Q. Where are the TI regional offices?

3 A. You'll have to excuse me if I count on my fingers,  
4 because they change often. There's one in Albany, New York,  
5 there's one in Indianapolis, one in St. Paul, Minnesota,  
6 Denver, Sacramento, Austin, Texas, and two regional vice  
7 presidents work out of the D.C. office.

8 Q. Who are they?

9 A. In the D.C. office?

10 Q. Yes.

11 A. Ron Morris, M O R R I S, and John Shipper,  
12 S H I P P E R.

13 Q. Where are the regional office files stored once  
14 they're closed?

15 A. That has been a process that is handled  
16 differently for every region. However, in 1993, when we  
17 essentially closed all our regional offices, they have since  
18 reopened some, all those documents were boxed and sent to  
19 the off-site storage for headquarters in Maryland. Previous  
20 to that, files had been retained in the regional offices for  
21 any length of time before being sent to headquarters. So  
22 now essentially all files in the regional offices date from  
23 late 1993-94.

24 Q. The ones that were sent to the storage facility,  
25 do those appear on the file storage list?

1           A.     Yes, they do.

2           Q.     Why were the regional offices essentially closed  
3 in 1993?

4           A.     We had budget cutbacks and a reorganization. We  
5 still had a few regional staff members, but they had to work  
6 out of their homes or share some office space that they  
7 could obtain cheaply until we reopened the offices, meaning  
8 hiring a secretary and renting office space in January 1995.

9           Q.     What's the approximate number of staff employed in  
10 all the regional offices of TI?

11          A.     At this time there is a regional vice president  
12 and a secretary in each.

13          Q.     In each?

14          A.     The two who are located in D.C. share a secretary.

15          Q.     With regard to the E-mail system that TI has, how  
16 are those E-mail messages or how is the E-mail traffic  
17 stored or archived?

18          A.     It's not done in any specific fashion that TI has  
19 chosen. The E-mail exists on the disk until it's  
20 overwritten at some point. People do delete their E-mails  
21 from their own directories, but apparently the words still  
22 exist on disk.

23          Q.     Do you know if there's any definite time that the  
24 document stays in existence, or is it just a matter of how  
25 much traffic is added to the disk?

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1       A.     There are essentially, they use seven separate  
2 backups, and after the 7th day, the first backup is  
3 overwritten. It's a cycle.

4       Q.     Does TI have any system to capture in hard copy  
5 form E-mail messages before they're deleted from the backup?

6       A.     The individual can, of course, do that if they so  
7 choose, but no, we have no system in place.

8       Q.     Those various entities that you described who have  
9 access to TI's LAN, such as member companies, they have  
10 access to everything on LAN, correct?

11      A.     Each database has assigned users, and those people  
12 who have some need to use that database. So individuals  
13 would be assigned only access to the databases that they  
14 would use. In most cases the company members would have  
15 access only to the state and local legislative system, other  
16 than E-mail.

17      Q.     Understood. Are TI's records retention policies  
18 in written form?

19      A.     There is one memoranda enunciating the records  
20 retention policy. It was written and distributed to all TI  
21 employees.

22      Q.     Approximately when was that written?

23      A.     It was either in 1985 or 1986.

24      Q.     Does it have different retention periods for  
25 different types of records?

1 A. No, it enunciated a policy that all records that  
2 should be stored will be kept forever, or indefinitely.

3 Q. Did it provide any criteria to determine which  
4 records should be stored?

5 A. It did address documents that you might discard in  
6 the normal course of business, such as a telephone message,  
7 or if the individual's own procedure was to discard drafts,  
8 then that person could continue to discard drafts. If the  
9 person's policy was to retain drafts in a file, then that  
10 was all right, too. It also addressed whether, if there  
11 were multiple copies of a document, that there was no need  
12 to retain multiple copies.

13 Q. Telephone messages could be discarded?

14 A. Yes.

15 Q. Do you recall anything else which could be  
16 discarded?

17 A. I do not recall it enunciating anything else.

18 Q. Is there any particular protocol for destruction  
19 of those documents, or are they just thrown out?

20 A. It's individuals, probably. Just toss them in the  
21 bucket. I know I kept my recycling bin handy, that kept  
22 excess paper off my desk.

23 Q. Are you aware of any destruction of documents  
24 other than destruction permitted by the policy you just  
25 described?

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1 A. No.

2 Q. Are any of TI's documents stored at Covington &  
3 Burling?

4 A. There are a large number of file storage boxes  
5 that are temporarily held at Covington for review. But they  
6 make copies and return the originals to our storage. I know  
7 of no files that have been transferred to them for permanent  
8 storage.

9 Q. Describe, if you would, your general  
10 responsibilities in responding to the Minnesota document  
11 requests.

12 A. At the very beginning, when it first came in, I  
13 met with the senior paralegal, who was working on it at that  
14 time.

15 Q. Who was that?

16 A. Heidi, H E I D I, Kranz, K R A N Z.

17 Q. Continue, please.

18 A. And we reviewed what the scope of this kind of  
19 search would have to be. We identified certain types of  
20 files that she could immediately begin review on, and we  
21 discussed people's active files, on-site files that she and  
22 another paralegal should begin to check. But for the larger  
23 issue of the detailed requests, and beginning to review for  
24 those documents, I met with Paul Duke, a partner at  
25 Covington. We discussed --

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1 MR. MURRAY: Let me caution you, first of  
2 all, I'm allowing this narrative question to go forward in  
3 the interests of efficiency. I caution you to take care to  
4 describe only document issues which not reveal any  
5 attorney-client confidences.

6 A. We discussed the nature of the file storage list,  
7 and at that time, that was, say August, when the first  
8 requests came, in or September, I did work more with Heidi  
9 in helping her get the files that she needed to review, the  
10 on-site files. Then later, as boxes were identified for  
11 review by the Covington paralegals, I had relatively little  
12 to do at that time in the process, it was merely a matter of  
13 really obtaining the boxes and getting them to the  
14 paralegals. As the second request came in, late in 1996, on  
15 lobbying issues, I again worked with Linda Piso on  
16 identifying the boxes that she would need to review for that  
17 particular request, obtaining them for her and talking with  
18 the regional offices to ensure that any documents they may  
19 still have in that period were given to her.

20 Q. Is that a complete description of your general  
21 duties with regard to the Minnesota requests?

22 A. Generally, yes.

23 Q. Did you personally review any documents?

24 A. Not for Minnesota, no, I did not for Minnesota at  
25 all.

1 Q. Were any TI personnel, as opposed to Covington &  
2 Burling personnel, reviewing records to determine if they  
3 were responsive to the requests for production?

4 A. No. TI did not look at the individual documents.

5 Q. TI's role was limited to identifying which boxes  
6 or file cabinets were likely to contain responsive  
7 documents?

8 A. Correct.

9 Q. What was your role regarding the Florida document  
10 production?

11 A. That I was working with a different paralegal, as  
12 I said, the requests themselves were very different, they  
13 tended to be more, the word I would use is blocked. I could  
14 identify a block of files for each request or group of  
15 requests that should be reviewed. In general, nearly all  
16 the reviewing was done by C&B paralegals. I did do some box  
17 searching through to find simple Florida materials, which  
18 would be in the midst of a large amount of other state  
19 materials.

20 Q. Let me go back to Minnesota for a moment. Have  
21 you ever reviewed any documents which were withheld for any  
22 reason from production to Minnesota?

23 A. No. I don't know what box, or documents, would  
24 have been withheld.

25 Q. Have you reviewed any documents regarding the

1 Florida productions which you were told or you believe were  
2 withheld from production to Florida for whatever reason?

3 A. No, I know of no such documents.

4 Q. What was your role in regard to producing  
5 documents in the Texas litigation?

6 A. I believe with it, I have merely made my  
7 recommendations on the scope of what the project would be.  
8 I have not identified boxes for any review in Texas at this  
9 time.

10 Q. Would you explain for me, please, what you mean by  
11 your recommendation on the scope of the project?

12 A. Generally to give the attorneys or the paralegals  
13 a feel for how big this project is, whether it's a thousand  
14 boxes or a dozen boxes, or on-site versus off-site files, or  
15 where we would not have any documents applicable to a  
16 request.

17 Q. Have you had any different role other than those  
18 you've described with regard to the Connecticut, Kansas, or  
19 Mississippi requests?

20 A. With Mississippi, in the first requests, it's my  
21 understanding that Covington & Burling had some sort of  
22 conflict on working on the Mississippi case. And so TI  
23 staff had to deal directly with the Mississippi attorney  
24 representing us. And I was asked to find documents that  
25 would be responsive to two specific requests. And so I went



1 through the boxes myself simply looking for anything  
2 relating to the issues of the request, copied them and sent  
3 them to our attorney for his review.

4 Q. Was someone else at TI reviewing boxes to  
5 determine if there were documents responsive to other  
6 Mississippi requests?

7 A. I believe other requests required Bill Adams to  
8 identify articles of incorporation and questions like that.  
9 So I doubt that I had to review files or that kind of  
10 information. But otherwise, I was the only person at TI who  
11 was working on those documents.

12 Q. As best you recall, what were the specific  
13 Mississippi requests for which you looked for responsive  
14 documents?

15 A. One of them related to advertising issues and the  
16 other to vending issues, sales to minors.

17 Q. Who was the local Mississippi counsel you worked  
18 with on that?

19 A. Mark Caraway, C A R A W A Y. Perhaps I should go  
20 on that since that time --

21 Q. If you would, please?

22 A. -- Covington paralegals have taken a more active  
23 role in reviewing boxes. So my role has been to identify  
24 the boxes and see that they are delivered to Covington from  
25 Mississippi.

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1 Q. Mississippi.

2 A. The Kansas and Connecticut ones we have not  
3 started, except for a few boxes I have identified for  
4 Connecticut just last week. But Kansas we have not started  
5 identifying files yet.

6 Q. Describe for me how you go about identifying boxes  
7 with regard to any of the productions. Tell you what, let's  
8 come back to that question. Let's take a short break here,  
9 all right?

10 (Recess)

11 (Exhibit 1 marked)

12 MR. MURRAY: Perhaps you could read back the  
13 last question.

14 (Record read back)

15 A. Literally I sit down with the file storage list  
16 and page through it and make my list of boxes that either  
17 because of the staff person's name that's on it, the time  
18 period it may cover, the issues that would be noted on the  
19 label, that I think might contain relevant information, to  
20 start making a list. It varies for every request, because  
21 some requests that are very specific might come down to six  
22 boxes to look at over the time period. Some are more.

23 Q. How do you go about determining which active files  
24 might be responsive to requests?

25 A. Again, that's usually, first of all, choosing which

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1 division's files would be applicable, and then the staff  
2 person who would be likely to have materials.

3 Q. Would you then follow up with those staff  
4 personnel to find out if they had responsive files, or would  
5 someone from C&B do that?

6 A. Usually I deal directly with each TI employee,  
7 with the exception sometimes of the accounting and  
8 administrative division, where C&B paralegals were asked  
9 directly.

10 Q. How did you go about determining what computer  
11 files might be responsive to requests?

12 A. In the Minnesota request there was an agreement  
13 that computer files, electronic files, would not be part of  
14 the search. And it has not come up yet in any of the  
15 attorney general suits.

16 Q. So you've done no identification of any electronic  
17 files which might be responsive to any requests in any of  
18 the state cases?

19 A. That is correct.

20 Q. Have you been involved in any document production  
21 effort with regard to a case in which TI is either a party  
22 or a responding third party where the case is brought by  
23 someone other than one of the attorney generals?

24 MR. MURRAY: I'm sorry, could you read that  
25 back?

1 (Record read back)

2 A. In the Department of Justice's investigation, we  
3 were a third party, I guess you would call it, we were not  
4 the subject of the investigation, but we were subpoenaed to  
5 obtain records. And I worked our data processing staff to  
6 do two things, essentially. One, to do word searches on the  
7 existing databases and word processing electronic files, and  
8 we printed out the documents. And then secondly, to try to  
9 determine whether TI's previous computer systems, ones that  
10 are defunct and no longer used, whether the last tapes could  
11 be somehow reconstructed to search in the same manner.

12 Q. Were you able to reconstruct them?

13 A. The estimate was that it would take a number of  
14 months and a great deal of money, because those kinds of  
15 computers that that system used are no longer used. And the  
16 outside computer consultants would have to reconstruct a  
17 system that would be able to read the tapes. And the  
18 Department of Justice did not pursue that.

19 Q. Did TI also produce hard copies of non-computer  
20 documents in response to the DOJ subpoena?

21 A. Yes, we did.

22 Q. What generally was the subject matter of the  
23 electronic records that you searched for in response to that  
24 subpoena?

25 A. It was related to a firm that we had used, TI had

1 used on a consulting basis, and we were looking for any  
2 record with the names of the staff people, or the names of  
3 the firm. We had a list of eight or nine words to be  
4 searched for.

5 Q. Was the subject matter of that subpoena related in  
6 any fashion to any of the claims in any of the attorneys  
7 generals' suits?

8 A. Well, that particular consultant's work would be  
9 related to the claims. And some of the other attorney  
10 general suits have asked for materials with that same  
11 consultant.

12 Q. Who is the consultant?

13 MR. MURRAY: I need to discuss the  
14 attorney-client privilege.

15 MR. FERGUSON: Certainly.

16 (Discussion off the record)

17 MR. MURRAY: Counsel, after consulting with  
18 my client, we remain unsure of the status of that  
19 investigation, and in particular remain unsure of the 6-E  
20 status of the investigation. I just don't know, this  
21 witness doesn't know, and I think it's beyond the scope. I  
22 will commit to you to continue to discuss this issue with  
23 you to the extent it relates, but I'm not going to let her  
24 answer.

25 Q. Were the documents which were produced to the

1 Department of Justice in response to the subpoena you  
2 described produced to any of the states that brought claims  
3 against Tobacco Institute?

4 A. I don't know exactly which parts of the documents  
5 may have been presented or whether all of them were. But  
6 certainly some of them have been. And I don't know about  
7 the electronic records in particular.

8 Q. To which states were those records produced?

9 A. My understanding is they were made available to  
10 Florida, and I don't know of any others.

11 Q. Do any TI employees other than yourself as a  
12 consultant maintain files of documents at their homes?

13 A. I don't know.

14 Q. You made no effort to determine whether in fact  
15 any did?

16 A. That question hasn't come up before.

17 Q. Does Covington & Burling maintain any computer  
18 databases on behalf of TI?

19 A. Not that I know of.

20 Q. Do you know how many documents were produced to  
21 the Minnesota depository by TI?

22 A. I've seen an estimate of 459,000 pages, but I  
23 don't know how many documents that is.

24 Q. Who puts Bates numbers on Tobacco Institute  
25 documents that are produced?

1           A.     That would be in the Covington & Burling  
2 paralegal shop. I don't know who.

3           Q.     Did you or anyone at TI have any role in preparing  
4 the privilege log with regard to documents produced or  
5 withheld from production in Minnesota?

6           A.     I have not, and I don't know that anyone else at  
7 TI has.

8           Q.     Does TI have any videotapes?

9           A.     We have a large number of videotapes. As part of  
10 another attorney general suit, we have tried to gather all  
11 of them that would include either TI speaking in an  
12 interview or that have been produced by TI for informational  
13 purposes. We've gathered those altogether.

14          Q.     And which states' requests would those be  
15 responsive to?

16          A.     That was in the Florida case.

17          Q.     Have those tapes been produced to Florida?

18          A.     I'm not sure of the status of that.

19          Q.     Was any effort made to determine whether those  
20 tapes were responsive to any other states' requests for  
21 documents?

22          A.     I'm not aware.

23                   MR. MURRAY: Counsel, for the record, and  
24 Ms. Yoe would not know this, I had a conversation yesterday  
25 with Mr. Berman describing the videotapes that we have, and

1 I'm committed to get him a letter of those that have been  
2 selected in the Minnesota action.

3 MR. FERGUSON: Thank you.

4 Q. Do you have any knowledge of any imaging that has  
5 been done of any Tobacco Institute documents?

6 A. The Minnesota production has, I understand, all  
7 been imaged or scanned.

8 Q. Did you have any involvement in that project?

9 A. No.

10 Q. So that's just something you've been told?

11 A. Correct.

12 Q. Did you keep any notes with regard to the document  
13 selection process you were involved in with regard to any of  
14 the attorney general cases?

15 A. I do keep notes and copies of my memoranda.

16 Q. Did you bring those with you?

17 A. No, I did not.

18 Q. What's the approximate volume of that?

19 A. Before I left the employ of TI, probably the  
20 volume of a full banker's box. Since I left the employ of  
21 TI, much less. Maybe four or five inches of material.

22 Q. Is the full box before you left TI still at TI?

23 A. Yes. It's not put in a box, it's sitting on a  
24 credenza in the empty office that I use when I visit D.C.

25 Q. Does it have some file descriptor or some other



1 way we can describe it if we were to ask for it?

2 A. No.

3 Q. The four to five inches that you have accumulated  
4 since you left TI is at your home?

5 A. Correct.

6 Q. These memoranda that were written to Covington &  
7 Burling?

8 A. Yes, they would be written to either a paralegal  
9 or to the attorney who was asking me. Whoever asked me the  
10 question.

11 Q. Do the memoranda describe your search techniques?

12 A. Some of them. Where I was responding to a lengthy  
13 request, I would perhaps describe the kind of boxes we're  
14 going to have to look for, and give a ballpark figure.  
15 Then, at a later date, actually, I would write a memoranda  
16 requesting the boxes, and that would be directed to Willie  
17 Mickens, or whoever might be taking his place if he were  
18 absent at TI, asking that those boxes be gathered and  
19 delivered either to the paralegal directly or to TI for  
20 review by paralegals there.

21 Q. Did you receive any written directions in regard  
22 to how you should go about searching for responsive  
23 documents?

24 A. No. I have never received anything other than  
25 copies of the requests themselves.

1 Q. Did you receive oral directions with regard to  
2 searching for responsive documents?

3 A. I would usually discuss first orally with whomever  
4 was asking the question at C&B, and we might determine,  
5 let's do this kind of file first, or let's do those at C&B,  
6 or I will send someone to TI. But --

7 Q. Are those discussions reflected in your notes and  
8 memoranda?

9 A. Possibly in some cases. Not in others.

10 Q. Were any limits placed on the scope of your search  
11 in terms of time? By that I mean not how much time it would  
12 take, but how far back you should look for things?

13 MR. MURRAY: Which production, counsel?

14 A. Yes.

15 Q. Well, let's start with Minnesota.

16 A. Minnesota I believe went back to the beginning of  
17 time for TI, which was 1958. In some cases where I'm  
18 being asked to help with a jurisdiction argument, there may  
19 be only a three-year or a four-year period where documents  
20 are going to be required.

21 Q. I gather from counsel's question, and I'm probably  
22 gathering too much, that some states did have a limited  
23 period of time that you looked at, is that right?

24 A. I can only recollect having a back date set in  
25 cases where it's a jurisdiction question. In the case, for

1 instance, right now of Kansas.

2 MR. MURRAY: I instruct you not to answer any  
3 more on that.

4 Q. Were any limits imposed in any of the cases with  
5 regard to the locations which should be searched for  
6 responsive records?

7 A. No, I cannot recollect anything like that.

8 Q. Were any limits placed in regard to responding to  
9 any of the requests concerning the types of files which  
10 would be searched for responsiveness?

11 A. No.

12 Q. Did you personally review the files of any  
13 individuals at TI in determining whether their files were  
14 responsive?

15 A. In which case?

16 Q. In any of the cases.

17 A. No, I have not looked at individuals' files to  
18 either rule them in or rule them out. Of the search myself,  
19 no.

20 Q. Have you looked at any individuals' files in  
21 connection with any of the attorney general requests for  
22 production, for any purpose?

23 A. I have looked at files for other attorney  
24 generals' requests that I chose because I knew an individual  
25 handled that particular issue at a particular time.

1 Q. In which attorney general cases have you looked at  
2 individuals' files?

3 A. Mississippi, also some for Florida. I believe  
4 that's all.

5 Q. Which individuals' files did you look at in the  
6 Mississippi case?

7 A. Those two requests from Mississippi, vending and  
8 advertising, were handled by previous staff people in the  
9 public affairs division. And -- primarily I would have been  
10 looking for Carol Hrycaj, H R Y C A J, files, Martha Rinker,  
11 R I N K E R, two other staff persons whose names I cannot  
12 recall, and I looked through some Ann Duffin, D U F F I N,  
13 files. Those would be primarily the staff people.  
14 Sometimes files don't have a staff person's name on it, it's  
15 just the issue. And then of course I would have looked for  
16 advertising, youth sales.

17 Q. Did you look at the files of other staff people  
18 regarding the Florida requests?

19 A. Yes, and in that case it was very similar, the  
20 same issues I was looking for files relating to sales  
21 restrictions or advertising restrictions.

22 Q. Whose files did you look at regarding the Florida  
23 requests?

24 A. Definitely Carol Hrycaj's. I cannot bring back  
25 the name of the other woman who had that issue directly

1 before Carol Hrycaj.

2 Q. What is Carol Hrycaj's job?

3 A. She's no longer with the Institute.

4 Q. What was her job?

5 A. She was director, issues management, in the public  
6 affairs division when she left. And she had had  
7 responsibility for several different issues, but one of the  
8 larger ones was the advertising and sales restriction area.

9 Q. When did she leave?

10 A. In 1995, I believe.

11 Q. Do you know where she went?

12 A. No, I don't. I beg your pardon. I believe it was  
13 1996 when she left.

14 Q. Do you know why she left?

15 A. That's a personnel issue. I don't believe I  
16 should weigh in. But yes, I do know.

17 Q. Did she resign?

18 A. No.

19 Q. Did she leave because of any alleged misconduct?

20 MR. MURRAY: This is beyond the scope of the  
21 designation.

22 A. She didn't report to me, and so I was not directly  
23 involved in her termination. But I don't believe so, as I  
24 would define misconduct, no.

25 Q. Handing you what the reporter has previously

1 marked as Exhibit 1 to your deposition, which is a copy of  
2 the notice of this deposition.

3 MR. FERGUSON: Do any counsel need a copy of  
4 that?

5 MR. WILSON: What's the date on it? Off the  
6 record.

7 (Discussion off the record)

8 BY MR. FERGUSON:

9 Q. Take a moment, Ms. Sadowski, to look at Exhibit 1  
10 and verify whether that appears to be a copy of the notice  
11 of deposition which you reviewed.

12 A. Yes, this is it.

13 Q. And you have the page open to Exhibit A there,  
14 which is the duces tecum. At this point (1)(a) is listed as  
15 the actual or potential or addictive nature of nicotine.  
16 Did you, in your efforts to identify files responsive to the  
17 Minnesota requests, try to locate files related to that  
18 subject?

19 A. Yes.

20 Q. Did you locate such files?

21 A. Yes, there were files.

22 Q. (1)(b), habituation of users of tobacco products,  
23 did you search for such files in response to the Minnesota  
24 request?

25 A. Yes, we would consider that part of the potential

1 addictive question.

2 Q. Such files were located?

3 A. Yes, there were documents.

4 Q. Did you search for files related to the amount of  
5 nicotine in tobacco products?

6 A. We searched for anything related to nicotine, yes.

7 Q. Would that include the next item, the pH level of  
8 tobacco products?

9 A. Yes.

10 Q. Did you search for documents responsive to the  
11 Minnesota requests relating to the use of additives in the  
12 blending of tobacco?

13 A. Yes, that was on the list to search.

14 Q. Were there such documents?

15 A. Yes.

16 Q. Did you search for documents related to the use of  
17 sodium carbonate or ammonium carbonate in tobacco products?

18 A. Yes.

19 Q. Were such documents located?

20 A. Certainly ammonium carbonate.

21 Q. Did you search for documents related to safer  
22 products, as the document says, i.e., less addictive or  
23 harmful tobacco products?

24 A. Yes.

25 Q. Were such documents located?

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1 A. Yes, there were documents.

2 Q. Did you search for documents related to the  
3 Council for Tobacco Research?

4 A. Yes.

5 Q. Did you find such documents?

6 A. Yes.

7 Q. You also searched for documents related to its  
8 predecessor, the TIRC?

9 A. Yes.

10 Q. Such documents were located?

11 A. I'm not sure whether there were any that used that  
12 older name.

13 Q. Did you search for documents related to Smokeless  
14 Tobacco Council?

15 A. I don't believe that was part of the Minnesota  
16 request.

17 Q. Does the Tobacco Institute have documents related  
18 to the Smokeless Tobacco Council?

19 A. Yes, we do.

20 Q. Does TI have documents related to the Smokeless  
21 Tobacco Research Council?

22 A. That I am not sure. I have not seen any, or heard  
23 reference to them.

24 Q. In responding to the Minnesota request, did you  
25 search for documents related to the alleged harmful effects



1 of tobacco use?

2 A. We looked for smoking. But that's only a subpart  
3 of tobacco, of course.

4 Q. And you found documents related to alleged  
5 harmful effects of smoking?

6 A. Yes.

7 Q. Does TI have documents related to the alleged  
8 harmful effects of the use of tobacco other than by smoking?

9 A. I believe we do, yes.

10 Q. In responding to the Minnesota request, did you  
11 search for research conducted by or for TI on smoking and  
12 health issues?

13 A. We searched for that.

14 Q. Were such documents located?

15 A. I don't believe that TI would have any documents,  
16 because they did not conduct such research.

17 Q. So far as you know, none were located?

18 A. That is as far as I know, yes.

19 Q. Has TI conducted any form of research?

20 A. Public opinion research. We ask for scientific  
21 review of other research. But TI's role is not to conduct  
22 original research in smoking and health issues.

23 Q. Would TI have any documents related to research  
24 grants?

25 A. Yes, we have documents related to the broad issue

1 of research grants.

2 Q. Were any of those selected in response to the  
3 Minnesota requests?

4 A. I believe so. Those were generated.

5 Q. Did you search in response to the Minnesota  
6 requests for communications with TI members?

7 A. Yes.

8 Q. And were such documents produced?

9 A. Yes.

10 Q. You searched for press releases and public  
11 statements of TI regarding smoking and health?

12 A. Yes.

13 Q. Were such documents produced?

14 A. Yes.

15 Q. Does TI maintain or have documents regarding use  
16 of other tobacco products other than smoking materials and  
17 health issues?

18 A. Yes, we would have documents there.

19 Q. Item 2 on Exhibit A to Exhibit 1 of your  
20 deposition, electronic records kept by TI, if I understand  
21 your previous testimony correctly, those have not been  
22 searched in response to any state document request, correct?

23 A. That is correct.

24 Q. In response to the Minnesota request, did you  
25 search for documents that TI had submitted to Food & Drug

1 Administration on the subject of nicotine or addiction?

2 A. Yes. We searched for all documents related to  
3 nicotine and questions of addiction.

4 Q. And documents submitted to the FDA are in the  
5 possession of TI?

6 A. I don't know that we found any during the  
7 Minnesota search that had been submitted to FDA.

8 Q. Did you find any in the course of the search for  
9 any state that had been submitted to the FDA?

10 A. Yes.

11 Q. Which state?

12 A. In the Florida suit we have searched for documents  
13 submitted to all government agencies. And having a more  
14 recent search period, we do have documents submitted to the  
15 FDA.

16 Q. Would that be submitted to all federal government  
17 agencies?

18 A. We were looking for all federal testimony and  
19 submissions.

20 Q. But you weren't looking for submissions to state  
21 agencies in response to the Florida requests?

22 A. Only those to Florida state bodies.

23 Q. Does TI have documents which have been submitted  
24 to any member of the legislature of the State of Washington?

25 A. I believe our files will have some documents.

1 Q. Does TI have documents showing the last known  
2 address of its employees?

3 A. Yes.

4 Q. Were such documents produced in any of the state  
5 litigation?

6 A. I don't know.

7 Q. Did you select any documents or category of  
8 documents that would include information about the last  
9 known address?

10 A. No. I have not been asked to. But I don't know  
11 if someone else was asked.

12 Q. Since the commencement of the attorneys general,  
13 lawsuits, has TI changed in any respect its document  
14 retention policies?

15 A. No.

16 Q. Has it changed in any respect its computer  
17 retention policies?

18 A. No.

19 Q. So would I be correct that the E-mail continues to  
20 overwrite the backup disks on whatever schedule it was doing  
21 before?

22 A. Yes.

23 Q. Give me a minute.

24 That's all I have. Thank you.

25 MR. MURRAY: Any other counsel?

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MR. FERGUSON: Signature?

MR. MURRAY: We'll read. 30 days.

MR. FERGUSON: We'd like it, please.

(Deposition concluded 11:20 a.m.)

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## S I G N A T U R E

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the correction sheet.

Signed in \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
CATHERINE YOE SADOWSKI

Taken March 18, 1997

MH

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## C E R T I F I C A T E

STATE OF WASHINGTON )

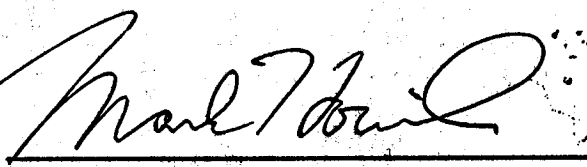
COUNTY OF KING )

I, the undersigned Certified Court Reporter and an officer of the Court under my commission as a Notary Public for the State of Washington, hereby certify that the foregoing deposition upon oral examination of CATHERINE YOE SADOWSKI was taken before me on March 18, 1997, and transcribed under my direction;

That the witness was duly sworn by me to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of March, 1997.

MARK HOVILA  
STATE OF WASHINGTON  
NOTARY --- PUBLIC  
MY COMMISSION EXPIRES 5-17-99

  
Mark Hovila, Notary Public in and for the State of Washington, residing at Seattle.

CCR No. HO-VI-LM-\*493PD

51603 6379

Honorable George A. Finkle

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

AMERICAN TOBACCO, *et al.*,

Defendants.

NO. 96-2-15056-8SEA

NOTICE OF CR 30(b)(6)  
DEPOSITION OF THE TOBACCO  
INSTITUTE

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TO: ALL PARTIES AND COUNSEL OF RECORD

PLEASE TAKE NOTICE that pursuant to Washington Civil Rule 30(b)(6), plaintiff will take the following deposition at the date, time and place indicated below before a notary public or some other person authorized by law to administer oaths. You are invited to attend and cross-examine. The examination will continue from day to day until completed. Pursuant to Rule 30(b)(6), you are warned that if required to provide responsive testimony, more than one witness should be produced.

Ex. 1 Date 3-18-97  
Witness Sadowski  
MARK HOVILA, CSR

DEPOSITION NOTICE

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- 1 -

OFFICE OF THE ATTORNEY GENERAL  
900 Fourth Avenue #2000  
Seattle, WA 98164-1012  
(206) 464-7744



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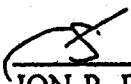
<u>Deponent</u>	<u>Date/Time</u>	<u>Place</u>
The Tobacco Institute	March 10, 1997 9:00 a.m.	Office of the Attorney General 900 Fourth Avenue, #2000 Seattle, WA 98164-1012

In accordance with Rule 30(b)(6) of the Washington Civil Rules, the deponent is advised of its duty to designate one or more of its officers, directors or other persons to testify on its behalf with respect to matters known or reasonably available to the deponent and referred to in the attached duces tecum. If this notice requires more than one witness, the witnesses shall be examined in order until all subjects described in Exhibit A are examined.

DATED: February 21, 1997.

CHRISTINE O. GREGOIRE  
Attorney General

JOHN W. HOUGH, WSBA #03267  
Sr. Assistant Attorney General

  
JON P. FERGUSON, WSBA #05619  
Senior Counsel

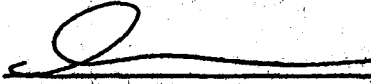
DONNA R. FISHER, WSBA #14342  
WILLIAM P. NICHOLSON, WSBA #19794  
Assistant Attorney General

Attorneys for Plaintiff  
State of Washington

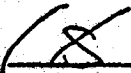
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HAGENS & BERMAN, P.S.

  
Steve W. Berman, WSBA #12536  
James P. Solimano, WSBA #12836  
George W. Sampson, WSBA #23606  
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(206) 623-7292

LUVERA, BARNETT, BRINDLEY,  
BENINGER & CUNNINGHAM

  
Paul N. Luvera, WSBA #00843  
Joel D. Cunningham, WSBA #05586  
6700 Columbia Center  
701 Fifth Avenue  
Seattle, WA 98104-7016  
(206) 467-6090

Special Assistant Attorneys General for Plaintiff  
State of Washington

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**EXHIBIT A**  
**DUCES TECUM**

Witnesses with knowledge of:

(1) Documents maintained by The Tobacco Institute ("TI") relating to the following subjects:

- (a) the actual or potential addictive nature of nicotine;
- (b) habituation of users of tobacco products;
- (c) the amount of nicotine in tobacco products;
- (d) the pH level of tobacco products;
- (e) the use of additives in the blending of tobacco;
- (f) the use of sodium carbonate or ammonium carbonate in tobacco products;
- (g) safer products, *i.e.*, less addictive or harmful tobacco products;
- (h) the CTR;
- (i) the TIRC;
- (j) Smokeless Tobacco Council;
- (k) Smokeless Tobacco Research Council;
- (l) the harmful effects of tobacco use;
- (m) the research conducted by the TI or for the TI on smoking and health;
- (n) research grants;
- (o) communications with members; and
- (p) press releases and public statements of the TI regarding smoking and health.

(2) Electronic records kept by TI on any of the subjects listed in (1) above.

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1 (3) Documents submitted by TI to the FDA on the subjects of nicotine or  
2 addiction.

3 (4) Documents submitted to any member of the Washington State Legislature or  
4 member of the staff of a legislator.

5 (5) Documents indicating the last known address of employees of TI

6 (6) The types and varieties of documents concerning the organization and  
7 staffing of the TI.

8 (7) The types and varieties of documents generated, reviewed, or received by the  
9 TI's Board of Directors or any committee of the board and the filing, routing and retention  
10 of the same.

11 (8) The types and varieties of documents generated or received by any of the  
12 TI's management committees relating to the subjects identified in No. 1 and the filing,  
13 routing and retention of the same.

14 (9) The types and varieties of computer hardware and software used by the TI's  
15 officers and employees in performing sales, marketing, shopping, accounting, investor  
16 relations, and public relations functions.

17 (10) The computer and E-mail systems or networks used by the TI for its internal  
18 communications among the company's offices, departments, divisions, and sub-departments,  
19 access to those systems or networks by individual employees, and the policies governing  
20 the retention of electronic data created and stored on those systems or networks.

21 (11) The types and varieties of electronically stored copies of documents created  
22 by any department or office of the TI, the filing and retention of the same.

23 (12) CTR's document retention policy.  
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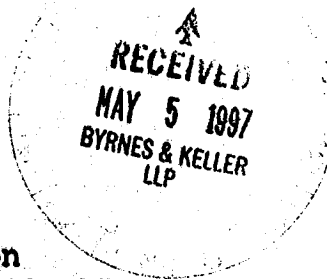
1 (13) The steps taken, personnel involved, locations searched and documents  
2 reviewed by TI in responding to plaintiff's document requests in this action or those of any  
3 other attorney general.  
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NOTICE RE FILING OF DEPOSITION

Date: **FILED** MAY - 2 1997

ORIGINAL DEPOSITION FILED WITH:

Jon P. Ferguson  
Senior Counsel  
Chief, Antitrust Section  
900 Fourth Ave., Suite 20, TB-14  
Seattle, WA 98164



DEPOSITION OF: CATHERINE YOE SADOWSKI  
State v. American Tobacco  
King County No. 96-2-15056-SEA  
Taken March 18, 1997

X DEPOSITION FILED WITH SIGNATURE

X Correction Sheet attached        No corrections

       DEPOSITION FILED WITHOUT SIGNATURE

       Signature waived

       Deposition not signed within 30 days of Notice  
of Readiness

       Due to nearness of trial date deposition is  
filed without signature.

SEATTLE DEPOSITION REPORTERS

Mark Hovila, CCR

cc: Jon P. Ferguson  
James R. Murray  
Clerk of the Court

SEATTLE DEPOSITION REPORTERS  
(206) 622-6661

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## SIGNATURE

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the correction sheet.

Signed in Washington, D.C. on the 9<sup>th</sup> day of April, 1997.

Catherine Yoe Sadowski

CATHERINE YOE SADOWSKI

Taken March 18, 1997

MH

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SEATTLE DEPOSITION REPORTERS  
1325 FOURTH AVENUE, SUITE 1740  
SEATTLE, WA 98101

C O R R E C T I O N   S H E E T

PLEASE INDICATE ALL CHANGES OR CORRECTIONS TO DEPOSITION  
ON THIS SHEET, SIGNING WHERE INDICATED.

PAGE	LINE	CORRECTION AND REASON
p. 19	l. 9	"by" should be "but"
p. 20	l. 13	"30" should be "50"
p. 22	l. 24	"codes" should be "companies"
p. 35	l. 8	"were asked" should be "would ask"
p. 36	l. 5	after "I worked" add "with"
p. 39	l. 13	"altogether" should be "all together"
p. 44	l. 16	add comma after "youth" and before "sales"

*Catherine Yoe Sadowski*

WITNESS: CATHERINE YOE SADOWSKI  
Deposition date: March 18, 1997  
Case: State v. American Tobacco  
Mark Hovila, Court Reporter